

Message

From: Scott - CDA, John [johnw.scott@state.co.us]
Sent: 2/20/2019 5:12:27 PM
To: Perreault, Peg [Perreault.Peg@epa.gov]
Subject: Re: Loss of Primacy - Question

So is it that states can't license folks to use RUPs only then? So we could actually continue to require commercial applicator licensing and licensure to use GUPs for hire, we just couldn't issue a license to use RUPs? And...EPA would be regulating use simultaneously?

John W. Scott
Pesticides Program Manager, Section Chief



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On Wed, Feb 20, 2019 at 9:49 AM Perreault, Peg <Perreault.Peg@epa.gov> wrote:

Oh, one more thing – the state still has to enforce state pesticide laws, so there is still an enforcement cost to the state.

From: Scott - CDA, John <johnw.scott@state.co.us>
Sent: Wednesday, February 20, 2019 9:33 AM
To: Perreault, Peg <Perreault.Peg@epa.gov>
Subject: Re: Loss of Primacy - Question

So Wyoming reaps the benefits of pesticide registration fees, but has none of the cost of enforcing pesticide use. That actually makes the argument harder for me. Is there any information on problems this causes on a lack of pesticide use enforcement?

John W. Scott

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On Wed, Feb 20, 2019 at 9:20 AM Perreault, Peg <Perreault.Peg@epa.gov> wrote:

Hi John –

State pesticide registration is separate from pesticide enforcement and C&T. EPA delegates enforcement & C&T programs to the states but not registration. States have their own pesticide registration programs, covered under their own laws. Registrants must first get a federal registration from EPA, then work with each state that they want to sell the product in to get state registrations. So...loss of primacy for enforcement & C&T would not affect CDA's pesticide registration program. CDA would also still have state enforcement authority to enforce state laws.

Example – WY doesn't have enforcement primacy, but they do have a state registration program.

Hope that helps. Glad to hear you're meeting with the new Commissioner – that's a step in the right direction!

-Peg

From: Scott - CDA, John <johnw.scott@state.co.us>
Sent: Wednesday, February 20, 2019 8:31 AM
To: Perreault, Peg <Perreault.Peg@epa.gov>
Subject: Loss of Primacy - Question

Hi Peg,

Hey...I have a meeting with the Commissioner at 10 am this morning. I can't find in FIFRA where if the state loses primacy, that we also lost the ability to register pesticides. Section 24 is the only section that I see that addresses authority of states to regulate the sale and use and it doesn't appear to tie it to primacy over use. Can you help with this if there is a provision that effects distribution and registration by the state? Thanks!

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